

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1804 - HB 1887

February 9, 2016

SUMMARY OF BILL: Differentiates between “firearm” and “antique firearm” by defining “antique firearm” as:

- Any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before the year 1898; or
- Any replica of a firearm if such replica:
 - is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 - uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or
 - any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

Antique firearm does not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

Adds “other deadly weapon” to the qualification of reckless endangerment. Adds antique firearm to the qualification for the offense of a firearm during a dangerous felony.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$21,700/Incarceration*

Assumptions:

- Under Tenn. Code Ann. § 39-11-106(a)(11), a firearm is defined as anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury, or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.
- The bill defines “antique firearm” for the purposes of Title 39 (criminal offenses) and removes “antique firearm” from the definition of “firearm” under Tenn. Code Ann. § 39-11-106(a)(11).
- The bill adds “antique firearm” to Tenn. Code Ann. § 39-13-103 for the purpose of reckless endangerment and to Tenn. Code Ann. § 39-17-1324 for the purpose of


SB 1804 - HB 1887

possessing a firearm during the commission or attempted commission of a dangerous felony.

- The bill, however, does not add “antique firearm” to Tenn. Code Ann. § 39-17-1307 for the purpose of unlawfully carrying or possessing a weapon.
- Tennessee Code Annotated § 39-17-1307(b) provides:
 - (1) A person commits an offense who unlawfully possesses a firearm, as defined in § 39-11-106, and:
 - (A) Has been convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon; or
 - (B) Has been convicted of a felony drug offense.
 - (2) An offense under subdivision (b)(1)(A) is a Class C felony.
 - (3) An offense under subdivision (b)(1)(B) is a Class D felony.
- Accordingly, a person, specifically a convicted felon, could carry an “antique firearm” with the intent to go armed and not be convicted under Tenn. Code Ann. § 39-17-1307, because “antique firearm” would no longer be considered a “firearm”.
- Statistics from the Department of Correction (DOC) show an average of 3.6 admissions per year over the last 10 years for violations of (b)(1)(B), a Class D felony, and 15.5 admissions per year over the last 10 years for violations of (b)(1)(A), a Class C felony.
- It is assumed that the bill will result in one less Class D felony admission every 10 years and one less Class C felony admission every five years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The average time served for a Class D felony is 2.32 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every 10 years not serving 2.32 years (847.38 days) for an annualized decrease of \$5,739.30 [$(\$67.73 \times 847.38 \text{ days}) / 10$].
- The average time served for a Class C felony is 3.22 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years not serving 3.22 years (1,176.11 days) for an annualized decrease of \$15,931.59 [$(\$67.73 \times 1,176.11 \text{ days}) / 5$].
- The total recurring decrease in incarceration costs is estimated to be \$21,670.89 ($\$5,739.30 + \$15,931.59$).
- The bill will marginally reduce the courts’, district attorneys’, and public defenders’ caseloads. It is assumed that any impact will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/dwl